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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-128-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 PRECIOUS REED,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
_____)

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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on September 9, 2008. The United States was represented by AUSA J. Tate London and the
16 defendant by Lee A. Covell. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 25, 2005, by the Honorable Marsha
18 J. Pechman on a charge of Conspiracy to Make, Utter and Possess Counterfeit Securities, and
19 sentenced to 90 days custody, 3 years supervised release. (Dkt. 161.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from possessing a firearm, submit to drug testing, participate in a
22 drug treatment program, abstain from alcohol, submit to search, pay restitution in the amount of

01 \$42,500, provide access to financial information, be prohibited from incurring new credit
02 obligations without permission, be prohibited from possessing any identification documents in any
03 but his true identity, participate in 180 days of electronic home confinement, and participate in a
04 parenting class.

05 The conditions of supervised release were modified on December 19, 2006 to require
06 defendant to participate in a community corrections center program for up to 180 days. (Dkt.
07 241.)

08 On April 21, 2008, defendant admitted violating the conditions of supervised release by
09 committing the crime of attempted possession of cocaine and by consuming cocaine. (Dkt. 301.)
10 Defendant was sentenced to four days in custody with credit for time served, and six months
11 supervised release. He was prohibited from being self-employed or working for friends or
12 relatives without previous approval, prohibited from working for cash, and required to provide
13 employment verification to his probation officer. He was ordered to participate in a community
14 corrections center program for up to 90 days. (Dkt. 314.)

15 In an application dated August 21, 2008 (Dkt 315), U.S. Probation Officer Jonathan M.
16 Ishii alleged the following violations of the conditions of supervised release:

17 1. Associating with a person engaged in criminal activity and associating with a
18 person convicted of a felony without the permission of the probation officer, on or about August
19 18, 2008, in violation of standard condition 9.

20 2. Failing to satisfactorily participate in home confinement with electronic monitoring,
21 in violation of the special condition of supervised release.

22 3. Failing to follow the instructions of the probation officer, on August 18, 2008, in

violation of standard condition 3.

4. Committing the crime of driving while license suspended, on or about August 18, 2008, in violation of the general condition to not commit another federal, state or local crime.

Defendant admitted violation 3, and violations 1, 2, and 4 were set for evidentiary hearing. (Dkt. 320.)

On August 29, 2008, defendant's probation officer reported an additional alleged violation of the conditions of supervision, which was incorporated into the pending proceedings (Dkt. 323):

5. Consuming alcohol on or about August 18, 2008 in violation of the special condition of supervised release.

Defendant was advised in full as to the new charge and as to his constitutional rights.

Defendant admitted alleged violations 1, 2, and 5 and waived any evidentiary hearing as to whether they occurred. The government moved to dismiss alleged violation 4. (Dkt. 325.)

I therefore recommend the Court find defendant violated his supervised release as alleged in violations 1, 2 and 5, that the court dismiss violation 4, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been detained.

DATED this 9th day of September, 2008.


Mary Alice Theiler
United States Magistrate Judge

01 cc: District Judge: Honorable Marsha J. Pechman
AUSA: J. Tate London
02 Defendant's attorney: Lee A. Covell
Probation officer: Jonathan M. Ishii
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